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CHAPTER FOUR

647 565 177. 65 BY the time that I was about four years old my father had become a Subdivisional Officer in the Civil Service, and our family had joined the ranks of what has now come to be known as the *min-kadaw* class, an *a-so-ya min* being a government official and *minkadaw* the wife of a *min*. The minkadaws usually referred to were in the great majority the wives of officials of the Burma Civil Service, Class II, and by the time that we were passing through our childhood and adolescent years they already formed a very definite stratum in Burmese society. We children now comparing notes with the children of the minkadaws posted as far apart as Tavoy and Myitkyina can find common characteristics in all the households, from domestic commodities and meal habits to social conventions and standards of wealth. It is as though a new upper middle class has grown up, complete with snobberies, in what was formerly a classless Burmese society, but a class that still keeps itself quite apart from the European gymkhana life of the district towns.

631 647 344 The houses which I can remember, when my father was a Subdivisional Officer in the subdivisional towns of Zigon and Myanaung where he was in charge of the subdivision, or in the divisional headquarters town of Magwe where the whole hierarchy of min from the Commissioner downwards were present, or in the district headquarters town of Maubin where the min ranked down from the Deputy Commissioner and my father was Headquarters Assistant, all bore certain uniform features. They were all wooden, two-storied and large, with a sufficient number of big rooms to have a dining-room and an office room below, a sitting-room above the portico and two big bedrooms, besides little verandahs and odd rooms. They all had a front staircase for common use and one or two ladder-like staircases behind for watermen, sanitation and servants. The kitchen was about 20 yards away, connected by a covered passage, and at the back of the large garden or compound was the *tanya*, a row of rooms for men servants and Indian [251] servants. The garden in front was usually modest owing to frequent changes of occupants, but a minimum amount of flowers for daily vases on the altar had always to be cultivated, and fruit trees were prized highly, guava, mango, marian or citron.

592 357 Unlike most Burmese households we did not have any aunts or other relatives staying with us, but we had our full quota of domestic

associated with fresh country mornings, dew on the grass and smoke from the wood fire, men and women with cheroots and red striped blankets flung over them grouped around the fire. A favourite way of eating kaukhnyin is to put it with a little salt into a bamboo stick that has been cut with a knotch to form a bottom, stop the top with a cork of paper and then roast it over a fire. By the time the stick is about to scorch, the rice is cooked and stuck together in a long tube held by a thin white skin from the inside of the bamboo. Cracked open and eaten with fried chicken it is delicious clean food; the best "kaukhnyin legs" and fried chicken were produced at Letpadan, in Tharawaddy district, for many years running. Other kaukhnyin eaters steam it with beans, pile it on lacquer trays and walk around to sell it in the early mornings about six o'clock, serving it on banana leaves, with sesamum salt and shredded coconut sprayed on top.

But htamanè is made ceremonially only once a year. Work parties of women used to come to our house the day before and sit under the trees cutting coconut and ginger into thin slices, shelling peanuts, picking husks out of the kaukhnyin, and winnowing this and the sesamum in cane trays. At about four the next morning my mother and the rest of the household got up, and helped by one or two of the young men from other houses, they made fires under the trees, put the kaukhnyin in big pans, with oil and all the prepared ingredients, and cooked if for hours, taking turns to stir the sticky mixture all the time while the others sat around the fire smoking and talking. In the early morning we put the htamanè into dishes for the monasteries and all the houses in the neighbourhood, into tins for sending away to relatives in other towns, and store-jars for keeping in the house to eat between meals.

These accounts of our life in the districts are of ceremonies and celebrations so far because I was a child in those days. My parents had their own pattern of life with a background of work. My father, as I have said, belonged to the Burma Civil Service, Class II. The administrative services in Burma included three grades of Civil Services: the I.C.S., which became the Burma Civil Service I after separation from India, the B.C.S., which then became B.C.S. II, and the Subordinate Civil Service. These three services supplied the executive administrative officers who were placed in charge of the various-sized units of administration, helped in their government by judicial administrative officers of corresponding ranks, and by officers for police, forests, education, excise and other public services for which a separate recruitment was made.

The myookship which my father obtained in 1912 was the most junior of these posts, usually filled by members of the Subordinate Civil

647 Service and beginners in the B.C.S. II. It entailed the charge of a unit
• 631 of administration known as the township, a collection of village tracts, with headquarters at a town of about two to five thousand inhabitants. The township officer supervised the administration of villages and the land system, helped in the suppression of crime and revenue collection, acted as government registrar, and carried out duties assigned to him by his senior officer. This was the Sub-divisional officer, in charge of two or three townships. Two or three sub-divisions were in turn grouped into a district under a Deputy Commissioner, a post attainable by members of the B.C.S. II before their term of service if they showed talent, but more often held by members of the B. C. S. I. Three to eight districts were grouped in divisions under a Divisional Commissioner who had civil and revenue powers and was responsible to the Governor for every department of public service except special branches directly under the control of the central government. There were eight Divisions in Burma.

When my father was an S.D.O. he had various magisterial, civil and revenue powers. Besides exercising these duties in the sub-divisional headquarters, he toured around the sub-division for about ten days in the month and we sometimes accompanied him. When he was stationed at Myanaung we went to Ingabu where my mother had good friends, Pauktaing where there was a great and revered Image of Buddha, Kyangin which had a thriving silk-weaving industry. In a township headquarters like Kyangin we met only the Township Officer although the town was divided into blocks or wards, each of which was under a headman whom my father also had to meet.

647 But in a village like Pauktaing we came directly into contact with
631 the headman, the *thugyi* or "elder person", who, as a source of local
177, authority over villagers, is a carry over of the administrative system under
63 the Burmese kings. The headmen in those days were properly des-
621 cribed by their name of thugyi. They were chosen by the villagers and assisted in their duties by a group of elders. The headman distributed the burden of the revenue that was due from the village among the villagers and collected it, being allowed a percentage of the collections. He was the village magistrate and sometimes the village judge. New settlers in the village had to obtain his permission to take up abode. The office tended to become hereditary, and in those times when there was little contact between the central government and the local administration of the peasantry, the authority of a good headman was a strong influence that extended over more than one village. In present times, however, each village has been established as a separate administrative unit under one headman; the Township Officer, the Sub-divisional

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Officer have appeared as higher sources of authority which are present not far away, and the village headman has lost much of his standing as elder person responsible for law and order, retaining chiefly his position as tax-collector. This is to the loss of village administration.

As a-so-ya mins, men like my father had more power and prestige than they had money. The salary of a B.C.S. II Officer, which ranged from Rs. 300/- to Rs. 900/-, was enough to ensure easy living and a certain amount of saving for old age, but in the place of the expensive carpets, glass, silver, uniformed servants and tinned foods which we saw in English officials' houses, they had to spend what might seem to foreigners a disproportionate amount on two items: jewellery for the women and financial help to relatives. Jewellery is not a vanity for a Burmese woman but an article of dress, worn both day and night, in varying degrees according to whether she is working or out on pleasure. The word for jewellery does not include any description of gems, but is *let-wut let-sa*: wear for the arms and such. When servant girls enter a household the humblest of them is given a gold chain to hang around her neck or a bangle for her wrist. Thus among the classes who have any money to spare beyond that for mere sustenance, from the more affluent cultivators, the small traders and shopkeepers and clerks, to "rich" land-owners, mill-owners and government officials, a great amount of money is spent on jewellery. Not to have any would be an unbearable shame.

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A complete set of jewellery for a well-dressed woman comprises the following articles, all worn together when attending shinbyus, ear-boring and marriage ceremonies, official functions and numerous other occasions. For the hair a *sado*, a hairpin with a single large diamond on the end; a comb with teeth of gold and a row of diamonds set closely along the back of the rim; a *sein-pan gaing*, a gold hairpin with a cluster of flowers to hang and dangle, set with diamonds. These articles have the gold parts embedded in the knot of hair and only show the diamonds. Round the neck are worn the *lè-gat*, a narrow gold collar set widely with diamonds, fitting like a vice; below this a double row of small pearls tied tightly behind with red tassels; the *lè-ton* "trembling necklace"—a "choker" necklace—sitting so that little chains set with diamonds hang from it all round the neck and tremble; a chain with a diamond locket below this. In the ears are worn single diamond studs. On the jacket five diamond buttons, attached to gold rings set with diamonds, fasten the button loops. On the wrists and hands diamond bracelets and as many rings as possessed, of rubies, emeralds and sapphires set with diamonds are worn. A young girl also wears hollow anklets of gold round her ankles. In addition to the above, the richer minkadaws and wives of big traders possess corresponding pieces of rubies, emeralds and

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2:Scott G-5 (1870's-1909)1910 AP1 Burma
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footpaths, and with a huge green cheroot in his mouth, leisurely contemplates the operation. Everything is now in the hands of nature, and the agriculturist may lounge round his farm in peace till November; unless, indeed, excessive rain floods the ground and rots the crop, when a new planting out has to be gone through. The harvesting near Rangoon is entirely done by men from Upper Burma, or even by Indian coolies. They work for very little, and it saves the farmer a good deal of time and dignity to get all the cutting done for him. Accordingly, from October till December the steamers down the Irrawaddy used to be crowded with King Thibaw's subjects, all of whom had to leave behind them with their Myo-sa, or his delegate the Myo-wun, who vicariously "ate" the township between them, a pledge either of property or of some member of their family, that they would return to their country again. When they got back, very little of their hard-earned gains escaped the voracity of the royal officials. Now they come down by train, and after a trip or two learn enough to keep their money from enterprising fellow-countrymen. These anyathas, as they are called, behave remarkably well in British territory, notwithstanding the assertions of the rural police, who, being unable to detect dacoits, declare that these are all Upper Burmans who have come down for the harvest. They are really, however, mostly simple, quiet people, who are kept very much in awe by the bluster and town-knowledge of the down-country farmers, and work away zealously with their queer sickles, looking like the ordinary English article worn to half its original size by long use. It is worthy of notice that the grain is not mown close to the ground as in Europe. Except where there is a market for straw, very little more than the ears are cut off, and the straw burnt in the hot weather of March and April supplies a scarcely-needed fertilising to the soil. The reapers usually receive their payment from the farmer in grain, but they naturally convert this into money, or more portable goods, before they start off home again.

It does not take long to cut the crop, and then the corn is brought in to the homestead, commonly on rude sledges, more seldom in carts. The threshing-floor does not take

2:Scott G-5 (1870's-1909)1910 AP1 Burma
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spire. To show the soles of the feet to the throne is high treason. This is awkward for the inhabitants of some quarters, for there is a rule applying to all Buddhists, that they must not place their feet towards the east, where the sun rises and whence the next Buddha, Arimadeya, will come, nor to the west, where the bawdi bin stands, or stood, the tree under which Shin Gautama attained the supreme wisdom. The superstition is probably derived from the Brahmins, who threaten grievous dangers to the man who places his feet on the shadow of a dewa, a king, a teacher, a saint, or another man's wife.

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The frequent change of locality of the palace, and therefore of the capital, is a peculiarity of Burma. There are about a score of towns in the country which have been at one time or other the metropolis. Such are Tagaung, Old Pagān, and Shwebo, above Mandalay; Prome (under the title Tharekettara), Pagān, Sagaing, Ava, and Amarapura, below it. The last two are the best known; indeed some people to the present day persist in talking of the "Kingdom of Ava," though that once brilliant capital has been little better than a jungle for a great many years, and the lines of the old walls can only be traced with difficulty.

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It is hardly correct to say, as most writers on Burma have hitherto done, that with a new king there should be a new capital. This has very frequently been the case, but the matter does not altogether depend upon the accession of a new sovereign. It is brought about by a very much more gruesome (the word is used advisedly) circumstance. On the foundation of a new capital, there are always a certain number of people buried alive. The idea is that they become nat-thein, that their spirits haunt the place where they were put to death, and attack all persons approaching with malevolent intentions. The notion is entirely due to the royal astrologers, the Brahmin pônnas, and as being repugnant to the tenets of Buddhism, is strenuously denounced by the true brethren of the yellow robe. But it fits in very well with the popular superstition regarding the existence of spirits, and has hence always firmly maintained its ground. It is a matter of common knowledge that this idea of

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2:Scott G-5 (1870's-1909)1910 AP1 Burma
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sanctifying a building with human sacrifices is a notion which has prevailed in all parts of the world at different times, and instances of horrors of the kind are not unknown in Europe.

The virtue of the sacrifices only lasts a certain time, and when it is gone a new city should be built. There are certain signs, added to public disasters, which point out to the initiated when this alteration of site should take place. Mandalay was commenced in 1858, and two years later the seat of government was transferred from Amarapura, some five or six miles down the river. When the foundations of the city wall were laid, fifty-two persons of both sexes, and of various age and rank, were consigned to a living tomb. Three were buried under each of the twelve city gates, one at each of the four corners, one under each of the palace gates, and at the corners of the timber stockade, and four under the throne itself. The selection had to be made with care, for the victims were required to be representative people, born on special days of the week, and the boys buried were not to have any tattoo marks on them, the girls not to have their ears bored. When it was known that the troops were making the collection, no one was to be seen about the streets, except in great bands in the middle of the day. The government gave a series of magnificent dramatic performances, but no one went to see them. Eventually, however, the tale was made up, and the building went on apace. Along with the four human beings buried at the corners of the city were placed four jars full of oil, carefully covered over and protected from any damage that might come from the weight of earth pressing down upon them. These were examined every seven years by the royal astrologers, and as long as they remained intact the town was considered safe.

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At the third examination in 1880, however, it was found that the oil in two of the jars was either completely dried up or had leaked out. One was pretty far gone, and the fourth alone remained in a tolerably satisfactory state. At this very time, the January and February of 1880, a terrible scourge of smallpox was decimating the town, and two of the royal house, King Thibaw's infant son, his only child,

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and the ex-Pagān Min, the cock-fighting king, had fallen victims. This was bad enough, but other signs portending evil had happened. One of the most valued of the crown jewels, the Nansin Baddamya, had disappeared, a huge ruby, cherished as emblematic of the fortune of the dynasty since the days of Alaungpaya. A tiger in the royal gardens escaped from his cage, a most ominous circumstance, not for the poor wretch whom he killed and half ate before he could be recaptured, but for the city and the entire kingdom. The appearance of wild animals in a town is a sign that it will speedily turn to a wilderness. It was the discovery of a tiger and some deer in the environs of Amarapura which decided the fate of that "City of the Immortals." All these circumstances, coupled with the outward and visible sign of the wrath of the spirits in the shape of the plague of small-pox, decided the pônnas at once. It was no use filling the jars with oil again, or putting in fresh ones. Such parsimonious measures would be considerably worse than useless. A full conclave of the astrologers voted by a large majority for the change of the capital. This, however, neither the ministers nor Thibaw Min would hear of. Mandalay is very different from Amarapura and Ava. There are too many solid brick houses and mills and public manufactories —none of them working, it is true, but too costly to be abandoned—in the present capital to admit of its being thrown over in the old casual way, when a royal order forced everybody to migrate, on pain of imprisonment or death. The pônnas therefore held another meeting, and it was decided that the only other alternative was the offering of propitiatory sacrifices. At the instance of the Pônna Wun, a truculent old villain, it was resolved that the number should be the highest possible: a hundred men, a hundred women, a hundred boys, a hundred girls, a hundred soldiers, and a hundred foreigners. This the king agreed to, and a royal mandate was signed, and arrests forthwith commenced. A frightful panic spread in Mandalay after the first day. Every steamer leaving the capital was crowded to suffocation, boats went down the river in dozens, and there seemed every possibility that Mandalay would be deserted. Then the ministers took fright at the indignation which the

2:Scott G-5 (1870's-1909)1910 AP1 Burma
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644 631 782 announced massacres caused in England, and the whole thing was countermanded and denied. But upwards of a hundred people had been arrested, and some of these, when liberated months afterwards, declared that in the dark nights of terror, when no one ventured about Mandalay streets, people were buried under each of the posts at the twelve gates, as a compromise between the fear of the spirits and the fear that the English troops would cross the frontier. 644 787 Each of these posts bears an image of an animal from one of the seals of the king, and before the post sits a figure of a bilu, with a thick club, to act as watchman, in case the human guard should go to sleep. As Burman sentries generally sleep sounder than other people, the propitiation of these spirits at any rate was a very imperative precaution. Whether the oil-jars were filled and reburied *alone* is a dark mystery. But the smallpox left Mandalay, and the place is as happy as ever it was, which, however, is not saying much.

644 361 177·36 The British town of Mandalay is very different from that described. The Palace stockade has gone, and with it very many of the suites of apartments, notably in the women's quarter. The Hall of Audience for a time was converted into a Tamil Mission chapel; the Hlutdaw into a hideous collection of clerks' offices. This has been changed owing to the indignant protests of English visitors. Most of the Palace Halls are now empty: even the Upper Burma Club has been turned out.

The old City has now become cantonments with a few scattered barracks, officers' quarters, and wide stretches of grass. What formerly constituted the suburbs is now Mandalay town. The former execrable roads are now among the best in Burma. But many of the notable buildings, the elaborate monasteries, and gilt shrines have been burnt. Mandalay is certainly a dwindling town; the only question is how long it will remain the second town in Burma.

2:Scott G-5 (1870's-1909)1910 AP1 Burma
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target for his own battery, but the Burman officer was flogged round the town. The guns were stowed away in the palace lest such an enormity might by misadventure be again perpetrated. There they remained till Thibaw Min got them dragged out for his reviews. They had never been cleaned all this time, any more than the infantry arms ever were. He was perhaps less sensitive on the score of noise, but he did not send his gunners out to practise, and they, as a rule, kept their spare clothes and cheroots and betel stowed away in the muzzles of their pieces.

The strength of the army at the disposal of King Thibaw was only limited by the number of men in the country. Every male was liable to serve as a soldier whenever he was called upon, and in 1879, when war with England was momentarily expected, levies of one man from every twenty houses, every twelve, every six, were called out, and finally an ameindaw, or royal mandate, was issued, summoning every able-bodied man in the country to hold himself in readiness for taking the field. But in ordinary times the amount of a Burmese force depended not upon the number of the population, but on the body of men the neighbourhood could feed in a collective state, for it was the district and not the Government that supported them. At the best Thibaw Min could supply not more than 25,000 and 30,000 men with muskets, more or less useless, from long Enfields to ancient flintlocks, which would be most readily induced to go off by putting them on a fire. The method of raising forces was somewhat as follows. The king, with or without the advice of his ministers, decided how many men were wanted, and informed the Hlutdaw, which thereupon issued orders to all the governors of provinces, calling upon them to muster the quota which custom had decided their districts must provide. The provincial rulers then sent their instructions to the myothugyis and taikthugyis, heads of townships and village circles, who in their turn communicated with the subordinate headman of each separate village. This last official, with the assistance of the house-reeves, singled out the men. Substitutes were allowed, and as every thugyi was absolute in his own place, he usually made a very pretty thing out of such a levy, through fines

2:Scott G.5 (1870's-1909)1910 AP1 Burma
Burmese AP4

and sums given to him to procure another man. The whole district was called upon to pay for the support and equipment of its contingent, and the men who were recruited were usually those who were unable to furnish their share of this tax. But the men who eventually went off as soldiers were not by any means commonly those whom the headman first nominated. He expected to have money extorted from him by his superiors, and made his arrangements accordingly, naming all the wealthiest men in the place in his first list. This method of raising troops is not expeditious, but nothing under Thibaw's rule was expeditious, and it gave abundant scope for palavering and extortion, the two chief accomplishments of the rural officials.

The inhabitants of certain districts, however, were considered the hereditary soldiers of the Alaungpaya dynasty, and these levies were looked upon as forming the standing army. They held their lands by military service and were exempt from all taxation. They considered themselves to be the flower of the service and adopted *Junker* manners. A dragon was tattooed on the back of their necks, just over the shoulders, to signify that they specially belonged to the king, and, strictly speaking, they alone were entitled to the name ahmudan. They mounted guard in the palace, and were almost never required to leave the capital. The chief Alaungpaya districts are in the north, round about Môtshobo, now called Shwebo, whence the founder of the present dynasty came. The rural levies got all the work there was to be done against marauding Shans and Kachins, and garrisoned the various fortified towns along the frontier. Many of these contingents were armed with nothing but spears and dahs. At Minhla, near the old British frontier, where there was a well-constructed fort, was posted the strongest and best-armed detachment out of Mandalay. Near Ava there were three forts: one, the face of the old city wall, an earthen rampart thirty feet thick and twenty feet high, faced on the outside with masonry; a second on the other side of the river at Sagaing, and the third farther up at the bend of the river, at Shwegyetyet. These commanded the river at a point where vessels proceeding up the river had to round a dangerous reef of rocks. But with regard to these

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CHAPTER LVI

REVENUE SYSTEM

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THE first people, when they took counsel together and appointed a ruler to repress crime and manage the affairs of the country, agreed that each man should pay a tenth of his thale rice, and this tithe system remained in force in Burma till practically the end, not merely for supplying the royal coffers, but also for paying all public servants. King Mindôn abolished the tithe system as far as the payment of local officials was concerned, and arranged to give them fixed salaries; but even in his time this law was somewhat of a dead letter, and under his son the last king, if governors and secretaries did not resort to old methods they got nothing. Unfortunately for the people the ancient system was by far the most profitable, and the collectors were not at all inclined to agitate for their payment at stated times from the treasury. The actual exactions of these worthies far exceeded what appeared in their black parabaik notebooks, and were in fact only limited by the possessions of their victims, and occasionally by a slight fear of consequences, if a desperate man should complain to some powerful minister in Mandalay. Then the delinquent might be turned out to make way for a friend of the wungyi's. But, alas for the people, the change, if not exactly from King Log to King Stork, was only too likely to be from a well-filled stork to a lean and hungry one.

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The division of the country for the collection of revenue was identical with that for administrative purposes, and the several duties were carried out by the same persons with the same assistants. The one man was civil administrator, judge,

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colonel of the local militia, and revenue collector for his locality, whether province, circle, or simple village. The fixed revenue demanded by the myosa, whether prince of the blood-royal, minister of state, maid of honour, royal spittoon-bearer, or white elephant, was remitted to Mandalay by the resident lord-lieutenant of the province, together with a certain over-plus for the "province-eater's" secretary, clerk, and treasurer. The whole amounted to from sixty to eighty per cent of the money nominally raised from the people, and the money kept back was supposed to pay for the services of the myowun and his subordinates. But they would have been very much less great people if they got no more than this. It is impossible to say how much money was collected in any one district, or even in any single town. The steatite pencil records were easily effaced and altered, even if they were ever accurate, and no one knew anything of the details of taxation. A certain circle of villages was called upon to produce a certain amount of revenue to go to the capital, and as long as this was regularly paid no questions were asked. The governor divided out amongst the circles the quota each was expected to pay, and the taikthugyi in his turn made the allotment for the villages under his control; finally the village headman gave his instructions to the tithing-men, and they extorted all they could from the householders under their control. The system was admirably planned, but the working of it was execrable in its cruelty. Every Burman was the king's slave, and could not leave the district, far less the country, without the royal permission granted through the local authorities. The men who came down to reap British Burma paddy-fields in November and December had all of them to leave hostages behind, their wives and families or some near relation, to guarantee that they would return when the season was over to pay their ngwedaw.

This ngwedaw, or "royal silver," was the main source of the revenue. It was a house-tax or family-tax, not a capitation-tax, though its incidence was generally so arranged that it practically came to be a poll assessment, or at any rate a kind of rude property-tax. The amount of land cultivated, which naturally varied according to the number of hands

2:Scott G-5 (1870's-1909)1910 APl Burma
Burmese AP4

humiliation. As an instance of Burman carelessness in money matters it may be mentioned that when the final instalment was paid, considerably over the sum due was sent to Calcutta. When the overplus was returned, there was great discussion among the Ministers as to what could be the motive of the Indian Government in being so singularly scrupulous.

A good many districts were almost entirely exempted from taxes in recognition of special services required of them. The inhabitants of the capital were particularly well off in this respect. They furnished the troops to guard the palace and city. Moreover, it would have been much more difficult to oppress them with impunity, apart from the fact that if they were disaffected it would have offered a premium to rebels. For similar reasons some of the townships about Môtshobo were free from the ngwedaw. It was from this district that Alaungpaya, the founder of the dynasty, came, and insurrectionist princes always made for Môtshobo when they levied war. Several villages on the Irrawaddy, in consideration of supplying the royal gilded boats, manning the royal barges, and passing on Court despatches, were relieved from the family tax. But the petty officials took very good care that they did not grow rich on their immunities.

All these methods were more or less sanctioned by ancient custom. Modern ingenuity and requirements, however, found out new ways of raising money. The pious ardour of Mindôn led him to spend vast sums on the erection of pagodas and religious buildings of all kinds, as well as on the manufactories, cotton mills, foundries, and powder-mills with which he crowded the suburbs of Mandalay, and closed when he got tired of them. All this cost a very great deal of money, which even the exaction of benevolences from wealthy courtiers failed to supply. Consequently Mindôn Min turned merchant and established a great number of royal monopolies. The producers were allowed to sell to none but to him, and he fixed the price which he was prepared to pay. For long, cotton, jaggery, timber, wheat, precious stones, and earth oil could only be had from the royal merchant, and the trade with British Burma was in anything but a satisfactory state. Then in 1867, Colonel

14: Brant E-5 (1949-50) 1954 AP1 Burma
Burmese AP4
Indians

621 563 consider, because they did not want to lose the Indians as customers for their paddy stalk and as a source of manure for their gardens and fields.

The headman of Tadagale, when queried as to the reasons for the departure of the Indians, shrugged his shoulders and said simply that they were afraid, despite the plans for village defense, that their animals might be injured in the event of any fighting between villagers and bandits.

Within a few days, the Indians of Tadagale had all departed; and in the vacant spaces where their houses had stood, the Burmese were eagerly at work erecting buildings of their own.

Social Change

175 ●631 622 626 Prior to effective British rule in Lower Burma (about 1830), the local autonomous unit was the village circle, consisting of several villages under the authority of a headman. The office of headman seems to have been hereditary in fact, although elections were held. That is to say, headmen tended to be elected in a particular lineage. Rule was through personal relationship between the headman and the villagers. Under the circle headman was a council of elders, appointed by him, one from each village in the circle. Disputes were almost entirely settled by arbitration and compromise, rather than with any concern over the abstract legal right and wrong of the case.

621 Within the village, a system called 'ten-house heads' was operative. This system appears to have been operative through British times, but at least since 1948 has lost effectiveness. Tadagale houses are strung out along a main path, and the ten-house division is such that the houses belonging to one group are mostly contiguous. The head of each ten-house section acted as a kind of deputy to the headman and sat on the council of elders.

175 631 622 With the coming of British rule, much of this changed. They established a hierarchical system, in which there were, in descending order of size, nation, division, district, township, village circle, and village. All officials at each level were appointed from the capital, even down to the village level, where the headman was made an appointed civil servant. He was paid on a percentage basis of his total tax collections and fines levied. The circle headman had police power and judicial authority in petty crimes.

175 692 A judicial system was introduced by the British to replace the old informal arbitration. With an almost total disregard for indigenous institutions and customs, the British established a territorial system based upon law. The loosely structed and informal system of old gradually broke down.

669 631 182 Early in 1948 Burma gained her independence. Since that time the country has been in a state of disorganization. The civil strife has brought about an almost complete breakdown of administrative function on many levels. Certainly the ties of the village with higher units have been curtailed. One indication of this is the fact that the headman no longer submits reports with any degree of regularity to higher echelons, as was required under British rule. Even the local ten-house heads council has largely ceased to function. It exists, but is scarcely used.

16:Fielding Hall G-3 (1885-1890) 1898 AP1 Burma
Burmese AP4

721 pieces of the cement and threw them at the troops.
157 He would not surrender—not he—and he was killed.
701 There were many like him. The whole war was little affairs of this kind—a hundred, three hundred, of our men, and much the same, or a little more, of theirs. They only once or twice raised a force of two thousand men. Nothing can speak more forcibly of their want of organization than this. The whole country was pervaded by bands of fifty or a hundred men, very rarely amounting to more than two hundred, and no two bands ever acted in concert.

It is probable that most of the best men of the country were against us. It is certain, I think, that of those who openly joined us and accompanied us in our expedition, very, very few were other than men who had some private grudge to avenge, or some purpose to gain, by opposing their own people. Of such as these you cannot expect very much. And yet there were exceptions—men who showed up all the more brilliantly because they were exceptions—men whom I shall always honour. There were two I remember best of all. They are both dead now.

722 One was the eldest son of the hereditary governor
642 of a part of the country called Kawlin. It is in
631 the north-west of Upper Burma, and bordered on a semi-independent state called Wuntho. In the troubles that occurred after the deposition of King Thibaw, the Prince of Wuntho thought that he would be able to make for himself an independent kingdom, and he began by annexing Kawlin. So the governor had to flee, and with him his sons, and

16:Fielding Hall G-3 (1885-1890) 1898 AP1 Burma
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naturally enough they joined our columns when we advanced in that direction, hoping to be replaced. They were replaced, the father as governor under the direction of an English magistrate, and the son as his assistant. They were only kept there by our troops, and upheld in authority by our power against Wuntho. But they were desired by many of their own people, and so, perhaps, they could hardly be called traitors, as many of those who joined us were. The father was a useless old man, but his son, he of whom I speak, was brave and honourable, good tempered and courteous, beyond most men whom I have met. It was well known that he was the real power behind his father. It was he who assisted us in an attempt to quell the insurrections and catch the raiders that troubled our peace, and many a time they tried to kill him, many a time to murder him as he slept.

There was a large gang of insurgents who came across the Mu River one day, and robbed one of his villages, so a squadron of cavalry was sent in pursuit. We travelled fast and long, but we could not catch the raiders. We crossed the Mu into unknown country, following their tracks, and at last, being without guides, we camped that night in a little monastery in the forest. At midnight we were attacked. A road ran through our camp, and there was a picket at each end of the road, and sentries were doubled.

It was just after midnight that the first shot was fired. We were all asleep when a sudden volley was poured into the south picket, killing one sentry and wounding another. There was no time to dress,

16:Fielding Hall G-3 (1885-1890) 1898 AP1 Burma
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of these obtained in Burma any more than in the Europe of five hundred years ago, and the result was the same in both. The central government consisted of the king, who had no limit at all to his power, and the council of ministers, whose only check was the king. The executive and judicial were all the same: there was no appeal from one to the other. The only appeal from the ministers was to the king, and as the king shut himself up in his palace, and was practically inaccessible to all but high officials, the worthlessness of this appeal is evident. Outside Mandalay the country was governed by *wuns* or governors. These were appointed by the king, or by the council, or by both, and they obtained their position by bribery. Their tenure was exceedingly insecure, as any man who came and gave a bigger bribe was likely to obtain the former governor's dismissal and his own appointment. Consequently the usual tenure of office of a governor was a year. Often there were half a dozen governors in a year; sometimes a man with strong influence managed to retain his position for some years. From the orders of the governor there was an appeal to the council. This was in some matters useful, but in others not so. If a governor sentenced a man to death—all governors had power of life and death—he would be executed long before an appeal could reach the council. Practically no check was possible by the palace over distant governors, and they did as they liked. Anything more disastrous and fatal to any kind of good government than this it is impossible to imagine. The governors did what they considered right in

16:Fielding Hall G-3 (1885-1890) 1898 AP1 Burma
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their own eyes, and made as much money as they could, while they could. They collected the taxes and as much more as they could get; they administered the laws of Manu in civil and criminal affairs, except when tempted to deviate therefrom by good reasons; they carried out orders received from Mandalay, when these orders fell in with their own desires, or when they considered that disobedience might be dangerous. It is a Burmese proverb that officials are one of the five great enemies of mankind, and there was, I think (at all events in the latter days of the kingdom), good reason to remember it. And yet these officials were not bad men in themselves; on the contrary, many of them were men of good purpose, of natural honesty, of right principles. In a well-organized system they would have done well, but the system was rotten to the core.

It may be asked why the Burmese people remained quiet under such a rule as this; why they did not rise and destroy it, raising a new one in its place; how it was that such a state of corruption lasted for a year, let alone for many years.

And the answer is this: However bad the government may have been, it had the qualities of its defects. If it did not do much to help the people, it did little to hinder them. To a great extent it left them alone to manage their own affairs in their own way. Burma in those days was like a great untended garden, full of weeds, full of flowers too, each plant striving after its own way, gradually evolving into higher forms. Now sometimes it seems to me to be like an old Dutch garden, with

16:Fielding Hall G-3 (1885-1890) 1898 AP1 Burma
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the paths very straight, very clean swept, with the trees clipped into curious shapes of bird and beast, tortured out of all knowledge, and many of the flowers mown down. The Burmese government left its people alone; that was one great virtue. And, again, any government, however good, however bad, is but a small factor in the life of a people; it comes far below many other things in importance, A short rainfall for a year is more disastrous than a mad king; a plague is worse than fifty grasping governors; social rottenness is incomparably more dangerous than the rottenest government.

And in Burma it was only the supreme government, the high officials, that were very bad. It was only the management of state affairs that was feeble and corrupt; all the rest was very good. The land laws, the self-government, the social condition of the people, were admirable. It was so good that the rotten central government made but little difference to the people, and it would probably have lasted for a long while if not attacked from outside. A greater power came and upset the government of the king, and established itself in his place; and I may here say that the idea that the feebleness or wrong-doing of the Burmese government was the cause of the downfall is a mistake. If the Burmese government had been the best that ever existed, the annexation would have happened just the same. It was a political necessity for us.

The central government of a country is, as I have said, not a matter of much importance. It has very little influence in the evolution of the soul of a people. It is always a great deal worse than the

25: Ferrars E-5 (ca. 1890) 1901 AP1 Burma
Burmese AP4

574. OFFICIAL PASSING THE STREET.

representatives they are, attaining their position by the tacit suffrages of the public. Their sphere is not defined nor are their numbers fixed in any way. Influence is naturally centred in a few of the ablest, but these are not permitted to usurp it for themselves. The loyalty of the villagers rests on the reciprocal regard of the elders for the sentiments of the community; the *lûdyis*, though they moderate popular feeling, never take an unpopular course. The affairs which they manage are the local festivals and the religious undertakings in which the public life of the country centres and in which conflicting aims have to be conciliated. The laying out of ordinary irrigation channels and other village works are arranged by the *lûdyis*. They witness marriages and divorces, and generally regulate the social life of the people. A tacit agreement, parallel to that between the villagers and their headmen, bound the king and the people, whose sentiments were reflected by officials drawn from their midst.

If, not content with the consideration accruing through age and natural gifts for leadership, and with managing a business of his own, our Burman aspired to a public career, he might enter official life by attaching himself to the suite of some functionary. This he would do at first in a menial capacity, and, as he found favour, he might become secretary, deputy, and eventually attain to the chief dignities. A scion of royalty just out of his teens would be given a town or province to live on (*myosa*), as well as to govern by the help of deputies and advisers. But a son of the people would be gray before he climbed to such a position. The *myosa* had to remit a

575. BURMAN JUDGE PROCEEDING TO COURT.

25: Ferrars E-5 (ca. 1890) 1901 APl Burma
Burmese AP4

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376. JUDGE PRESIDING IN COURT (YON).

fixed annual revenue to the treasury, and he retained such excess as he could raise for himself. Even more cynical than the appellation of *myoza*, but nevertheless officially accepted, is that of his deputy, *thwethauttyi*, or bloodsucker. The revenue exactions were variable, and were levied with little regularity; outlying localities escaped altogether. The people of such places were almost without ostensible government. The 3-rupee household tax of 1862 had advanced to 10 Rs. in 1886 (*Thathameda*). There were also special imposts and special exemptions. The original style and address of the king came to be adopted by his deputies, as more high-sounding titles were devised for him. Every officer is now addressed *Payà* and spoken of as *min*, which means ruler, prince. The full style of high officials used to occupy several lines of a document; there were the traditional titles of the office and territory, the prerogatives granted by the king, conspicuous among which were the number of red and gold umbrellas allotted to the rank, and the executive powers, such as *dàbaing*, holder of the sword. The last-named symbol was borne before the officer as arbiter of life. The lower grades of office were, and in many places still are, hereditary, especially that of *thadyt*, the appointed headman who levies the taxes from the people (literally the poor, *sinyètha*). The Burmese correlative of *official* is significant; no matter how wealthy he be, one who holds no office is a "poor" man—at the mercy of the *asòya*. If the rapacity of an official under the old *régime* grew intolerable, he incurred the risk of assassination, without much likelihood of being avenged by the central authority. The religious aversion to be

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377. THE CITY GATE (PYA-OL.

25: Ferrars E-5 (ca. 1890) 1901 APl Burma
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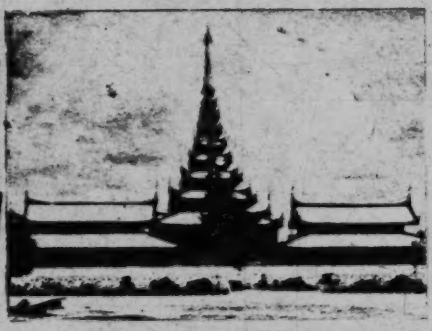

380. PALACE FRONT AND SPIRE.

The British administration preserves the native official machinery, from the *thadyt* to the *myoôk*, augmenting the numbers so as to reach every part of the area and curtailing the powers. Under native *régime* even *thadyts* might be *dâbaing*. The new *régime* takes account of the village *lâdyts* for the sake of their moral influence; many of them have been invested with power to compose differences up to small amounts, and some of the more prominent are honorary magistrates. Independent spirit is on the increase; the officials have to reckon with a new temper in the people. Nevertheless, in municipal councils the supineness and complaisance of the native members are calculated to stultify the position accorded to them. Road-making and sanitation do not arouse their interest, and the local excise, the matter they long to deal with, is excluded from their jurisdiction (*cf.* p. 157). The *thadyt* personally measures the fields, collects the land-tax and poll-tax from house to house, in such a circle as he can make the circuit of twice a year, and receives commission on the amount. He reports on matters within his circle. As many revenue-circles as a native magistrate can personally control are united into a township, under a *myoôk*, who at the same time supervises the co-ordinate grades of police distributed in the township. He publicly tries criminal and civil cases, under his powers as magistrate, by codes of law and procedure accessible to everybody. These codes form the most valuable models of system, in the vernacular, up to the present. By their help both judges and advocates have trained themselves in law. Five to eight townships, according to facilities for

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381. BURMAN PRINCESS.

25; Ferrars E-5 (ca. 1890) 1901 APl Burma
Burmese AP4

388. ROYAL INSIGNIA.

supervision, are combined into a district under a European magistrate, the Deputy Commissioner, who has a European officer for district superintendent of police, commanding an average force of four hundred native constables. At the district headquarters are a police-depôt, treasury, jail and hospital, besides courthouses and offices. The district officer hears appeals from the *myoôks*, and tries all offences except the gravest and heavy civil suits. This organisation is the backbone of the civil government, the 'Commission.' There are thirty-six such districts, and four hundred native magistrates, on salaries of one hundred to eight hundred rupees a month, besides one hundred and twenty-five native honorary magistrates. The success of this economical administration, organised by Sir Arthur Phayre, in ensuring the safety of life and property and the fulfilment of contracts has given a new value to enterprise and thrift. The British garrison of Burma in 1900 consisted of three thousand European and seven thousand five hundred Indian regular troops.

To return to native Burma—In the centre of the capital, and by euphemism of creation, rises the *pyatthat* which canopies the principal throne in the great hall of audience, where envoys and tributary princes used to be received. Here also the princes of his own blood and the high officers of state paid court to the king on *gadáw-ne*, days when they craved pardon of the king for their shortcomings. The throne (No. 1) is ascended by a stair at the back, leading from the council-room of the king's cabinet of palace ministers, who were the medium of communication with the *Hluttaw*. On such occa-

389. ANCIENT CAPITAL BAGAING.

century, the punishment for abduction of women was enhanced from one of confinement in irons to that of death. Thus what the English lawyer would understand by the term "criminal law" was considered to be the personal concern of the king. Therefore, when the ruling king died, and a new king ascended the throne, all persons undergoing punishment for crimes committed under the previous king, automatically were freed. Criminal jurisdiction therefore was considered to be merely an administrative function of the crown, and it concerned the executive, and not the judicial, officers of the state. Modern European writers have ever emphasized the despotism of Burmese kings, but the Royal Edicts proclaimed at the beginning of each reign clearly showed that the Burmese king was not a blood-thirsty individual devoid of all mercy. In the Edicts, we find the king delegating the function of meting out criminal justice to three of his Chief Ministers, admonishing at the same time that they should temper justice with mercy. The king in the Edicts ordered that even in capital crimes, the punishment should be one of banishment, and the sentence of death was to be reserved for vicious criminals. Even when the sentence of death had been passed, the execution was to be postponed for at least ten days so as to enable the king to consider the case and alter the punishment to one of banishment if the facts justified such alteration.

But as in England, the king was considered to be the fountain of justice, for his was the supreme court of the land. The kingdom was divided into provinces, each under a viceroy. Each province was further divided into cities, each city under a governor. Each city or city area was subdivided into towns and each town or town area into villages, with a headman for each town and each village. The courts of the headmen of towns or villages dealt with suits of small value, and there was a right of appeal from those courts to the courts of the governors of cities. The courts of the governors exercised both original and appellate jurisdiction, and appeals from these courts lay to the court of the viceroy, which also exercised both

692 original and appellate jurisdiction. These officers were execu-
631 tive officers under the crown, but when they sat as judges in their respective courts, they were judges in the full sense of the term, for they were free of all executive control. Finally there
[643] was the Supreme Court. This final court of appeal consisted of the king as the president, the crown prince as the vice-president, the four chief ministers, and their four deputies. The king, however, attended only on rare occasions, and thus the crown prince usually presided over the court. The law that these courts administered and interpreted was the customary
694 law of the Burmese people. One special feature of the courts
[693] was their attempt to settle the case before actually trying it. Lawyers, who were attached to the courts as officers, although their fees were payable by the litigants, also endeavored to conciliate the contending parties. Often the parties decided to refer their suit to an arbitrator. There was no right of appeal from the decision of an arbitrator, on the ground that the arbitrator was chosen by the contending parties themselves. When a suit had been heard and decided, the successful party offered a dish of pickled tea to the other party, and if the latter accepted, the parties were deemed to have been reconciled, and there could be no appeal from the decision of the court. The refusal of the unsuccessful party to accept the offered dish of pickled tea served as his notice of appeal.

671 Burmese history, like the history of many countries, re-
[178] cords rebellions, invasions, and violent struggles for power,
177 but the development of Burmese customary law has been
175 singularly free from catastrophes and sudden changes. There has never been a revolution in the Burmese customary law. However, the law in the course of its long history experienced three great impacts with the outside world. The first was the impact of Hindu jurisprudence, second was the impact of Buddhism, and the third was the impact of English law as the result of the British conquest of the country towards the end of the nineteenth century.

Some of my colleagues of this conference have already